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OGC 62-0551(a)

29 March 1962

OGC Has Reviewed

MEMORANDUM FOR: Chief, Finance Division


SUBJECT: Authorization of Unaccompanied Air Freight

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REFERENCE: 

1. We have your memorandum of 19 March 1962 on the above subject, in which you raise several questions concerning the effect of the referenced regulation on shipment of baggage. You state that you were informally advised by this Office that "the 300 pounds authorized in the regulation for surface transportation and the 100 pounds of the 300 pounds authorized by air express or air freight were not limiting in the sense that additional weight could be authorized," and you say that "these authorizations were described as minimum standards established for use through out the Agency." You also state, "The Finance Division wishes to have this interpretation confirmed." It is hereby confirmed.

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2. As quoted in paragraph 1 of your memorandum,  states that shipment of baggage and allowance of expenses therefor shall be in accordance with section 5 of the SGTR and, in addition, each traveler "is hereby authorized" to ship 300 pounds of unaccompanied baggage by surface transportation or freight. (Emphasis ours.) It is clear from the language of the regulation that there is a positive authorization of baggage allowance which confers upon the traveler a positive entitlement without regard to those which might be authorized on the travel order. This has the effect of providing a uniform minimum standard throughout the Agency. Beyond this minimum standard, authorizations by authorizing officials on the travel order are subject to the limitations of the regulations.

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3. There are, in [REDACTED] and section 5 of the SGTR, no quantitative limits on the amount of baggage which may be authorized. It is considered that the definition of baggage places an effective qualitative limitation on such shipments.

4. Turning then to the specific questions raised by your inquiry:

(a) "May authorizing officials approve shipment of excess or unaccompanied baggage in amounts above those listed in the reference...?"

The answer is yes. As already stated, the authorizing official is not limited quantitatively with respect to the amount of baggage he may authorize for the particular traveler. But even if the travel order is silent on the question of baggage, there is an automatic entitlement by the traveler to the amounts authorized by regulation.

(b) "May the authorizing official authorize shipment of air freight irrespective of the employee's mode of travel?"

The answer is yes. There is in the regulations no limitation on the mode of shipment of baggage, and this is a matter of discretion for the authorizing official. It is naturally to be expected that the mode as well as the amounts authorized will bear a reasonable relationship to the circumstances of the particular travel. (In many instances, problems of freight transportation and customs requirements make air shipment of baggage highly desirable even though the traveler has moved by surface.)

5. The two types of authorizations stated in paragraph 4 of your memorandum are, for the reasons above, not objectionable.

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[REDACTED]
Office of General Counsel

Orig & 1 - Addressee
Subject - Transportation 4
Signer
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Legal
OGC/HRC:elw (28 March 1962)

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